



## CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



### **CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

**SUMMARY MINUTES – MARCH 8, 2006**

**SUMMARY MINUTES<sup>1</sup>**

**MARCH 8, 2006**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**1. ROLL CALL**

**William Elkins, President**  
**Sean Harrigan, Vice President**  
**Maeley Tom, Member**  
**Anne Sheehan, Member**

**2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**

- A.** Rosario Marin was introduced as the new Secretary of the State and Consumer Services Agency.
- B.** The SPB executive staff is continuing to work on restructuring its personnel and programs to bring them into alignment with its budget and funding sources.
- C.** On March 10, 2006, the Executive Officer will travel to Japan for 10 days at the invitation of the Japanese Government. He will travel as part of a delegation of 15 individuals who will meet and confer with business and government leaders on current issues.

**3. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)**  
**- DPA Representative(s)**

Bill Avritt and Daryll Tsujihara gave brief reports on recent activities of the Department of Personnel Administration.

**4. REPORT ON THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)**  
**- Maeley Tom**

Member Maeley Tom gave a brief report on recent activities of the Public Employees' Retirement System.

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<sup>1</sup> The Minutes for the Board can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

**5. REPORT OF THE CHIEF COUNSEL – Elise Rose**

**Litigation:**

Connerly v. SPB - Supreme Court has ruled that Real Parties in Interest are not "opposing parties" and thus cannot be assessed attorneys fees awarded under the "private attorneys general" theory of recovery. In this case, the state agencies have already paid the attorney's fees award in full, even though it was assessed against the real parties in interest as well.

Plata v. Schwarzenegger - The Office of the Attorney General has served SPB with the latest order in this case, setting forth a broad array of powers of the receiver appointed to oversee health care issues within the Department of Corrections and Rehabilitation. These powers include the ability to promote, transfer, and dismiss employees and provide for the waiver of state statutes and the constitution upon application to the judge.

Shellcroft v. Corrections - At a recent hearing, Judge Connelly asked parties to brief the issue of ostensible authority of a Skelly officer to settle a case in which he has no actual authority.

**Other:**

Whistleblower and Discovery regulations have been approved by the Office of Administrative Law and have been filed with the Secretary of State's office.

SPB Chief Counsel has attended meetings of the Attorney General's Office group of chief counsels as well as Agency's group of chief counsels.

**6. NEW BUSINESS**

**NONE PRESENTED**

**7. REPORT ON LEGISLATION – Sherry Hicks**

**NONE PRESENTED**

**8. ORAL ARGUMENT**

Oral argument in the matter of **RONALD FRANKLYN, CASE NO. 05-2105A**  
Appeal from 20 working days suspension. Officer. California Highway Patrol.

Persons Participating:

Brian Vaughan, Deputy Attorney General, Department of Justice  
John Markey, Labor Representative, California Highway Patrol

**ACTION: SUBMITTED**

**9. ORAL ARGUMENT**

Oral argument in the matter of **ERNEST PITMAN, CASE NO. 05-1591A**  
Appeal from dismissal. Motor Vehicle Field Representative. Department of Motor Vehicles.

Persons Participating:

Kaye Krumenacker, Senior Staff Counsel, Department of Motor Vehicles  
Melinda Williams, Counsel, SEIU/CSEA

**ACTION: SUBMITTED**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**10. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**NO ACTION**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**11. ORAL ARGUMENT**

Oral argument in the matter of **RICHARD QUADRELLI, CASE NO. 05-1039A**  
Appeal from dismissal. Caltrans Maintenance Supervisor. Department of Transportation.

Persons Participating:

Christina Rojas, Counsel, Department of Transportation  
Kathleen Alvarado, Representative for Appellant

**ACTION: SUBMITTED**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**12. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**NO ACTION**

**13. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]  
(See Action Taken on Page 13-14)

**14. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1) and 18653.]

State Personnel Board v. Department of Personnel Administration,  
California Supreme Court Case No. S119498.

Connerly v. State Personnel Board, California Supreme Court,  
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

**15. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

- **AB 1875 (Daucher)**

This bill would authorize a city or county to contract with private entities for landscape services on any segment of a state highway within the city or county. The Department of Transportation (Department), the entity that has overarching control of all state highways, which is currently authorized to enter into cooperative agreements with a city, county or other public entity for the performance of landscaping services, would be required to provide funds to the city or county for purposes of reimbursing the private entity contracted to perform highway landscape services, up to the amount the Department would have expended if it had performed the landscape services itself.

**ACTION: NEUTRAL**

- **AB 1897 (Dymally)**

This bill would expand the remedies available to individuals who file discrimination complaints with the State Personnel Board by authorizing the State Personnel Board to award reasonable attorney's fees and costs.

**ACTION: NEUTRAL**

**16. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.

[Government Code section 18653.]

**NO ACTION**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**17. SELECTION ANALYST CERTIFICATE PRESENTATIONS**

- **Sue Williams, California State Personnel Board**
- **Floyd Shimomura, California State Personnel Board**

Elena Apodaca

John Barlow

Donna Barr

Ronald Brent

Daniel Connor

Terri Deane

Rosmaire Duffy

Susan Gehrmann

Michelle Gomez

Ricardo Gonzales

Paula Graves

Maria Hernandez

Marianne Hoke

Rosie Jauregui

Kristie Joyce

Maria Luna

Jacob Miller

Rona Murray

Louise Norton

Dave Spring

Matthew Velasquez

ToShawne Williams

Cheryl Wolcott

**18. INFORMATIONAL BRIEFING – PANDEMIC INFLUENZA**

- **Stephen Weyers, M.D., California State Personnel Board**
- **Cheryl Starling, R.N., Department of Health Services**
- **Bill Avritt and Daryll Tsujihara, Department of Personnel Administration**

The primary topic of discussion was on the Avian Flu Preparedness and Response.

**19. INFORMATIONAL BRIEFING – STATE PERSONNEL BOARD  
EMPLOYEE SURVEY RESULTS**

- **Mary Fernandez, California State Personnel Board**
- **Floyd Shimomura, California State Personnel Board**

A presentation was made on the overall findings of the State Personnel Board Employee Survey conducted by FranklinCovey in November 2005. This included a discussion of the areas of improvement and areas of strength as identified by the tool.

**20. STATE PERSONNEL BOARD STRATEGIC OBJECTIVE UPDATE**

**- Mary Fernandez, California State Personnel Board**

An update was provided on the State Personnel Board's Strategic Objective regarding the "development of a program to hire college graduates and current student assistants." Staff has had initial discussions with CalEPA, CAPS, PEGC, and some universities regarding the development of a pilot internship program. Staff shared the presentation made to the CalEPA Agency Executive Staff and agreed next steps.

**21. COMPLIANCE WITH GOVERNMENT CODE SECTION 19797**

**- California Student Aid Commission**

**- State Council on Developmental Disabilities**

The California Student Aid Commission and the State Council on Developmental Disabilities submitted information regarding their respective compliance with Government Code section 19797 and were not required to appear before the Board.

**22. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF MARCH 21, 2006, IN SACRAMENTO, CALIFORNIA**

**NONE**

**BOARD ACTIONS:**

**23. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF FEBRUARY 7, 2006**

**ACTION: ADOPTED**

**VOTE: Elkins, Harrigan, Tom, Sheehan – Aye**

**24. EVIDENTIARY CASES**

**ACTION: See Case Listings on Page 11-15**

**25. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Minutes on Page 20-21)**

**ACTION: ADOPTED**

**VOTE: Elkins, Harrigan, Tom, Sheehan – Aye**

**26. NON-EVIDENTIARY CASES**

**ACTION: See Case Listings on Page 16-17**

**27. NON-HEARING CALENDAR**

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It was anticipated that the Board would act on these proposals without a hearing.

On March 8, 2006, the following proposals were presented to the Board by Karen Coffee, Chief, Merit Employment and Technical Resources Division, California State Personnel Board.

**ACTION: ADOPTED**

**VOTE: Elkins, Harrigan, Tom, Sheehan - Aye**

- A. Board items presented by State Personnel Board or Department of Personnel Administration to establish, revise or abolish classifications, alternate range criteria, etc.**

**CHIEF, FOOD AND DRUG BRANCH**

The Department of Health Services proposes changes to the Minimum Qualifications for the classification Chief, Food and Drug Branch including: adding an additional promotional pattern; updating the class title in Pattern I; and adding standardized language to the specification.

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes.

<b>Title</b>	<b>Class Code</b>
California Indian Housing Representative II	5774
California Indian Housing Representative I	5773
California Indian Housing Manager II	5858
California Indian Housing Manager I	5862
Chief Counsel Department of General Services C.E.A.	5933
Supervising Executive Residence Housekeeper, Department of General Services	2050
Folk Arts Specialist	5492



<b>Title</b>	<b>Class Code</b>
Financial Management Auditor III	4138
Financial Management Auditor II	4139
Lottery Retailer Services Specialist I	7359
Lottery Retailer Services Specialist II	7360
Supervising Housing Construction and Rehabilitation Specialist	4077

**28. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**LICENSING PROGRAM SERIES SPECIFICATION**

The Department of Personnel Administration proposes to update the Education section of the Minimum Qualifications for the Licensing Program Series Specification, to reflect the proposed changes adopted on the March 8-9, 2005 Board Calendar.

**ACTION: NOTED**

**29. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes served to inform interested individuals and departments of proposed and approved CEA position actions.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**CHIEF OF COMMUNICATIONS**

The Department of Developmental Services proposes to allocate the above position to the CEA category. The Chief of Communications screens major program and policy changes and developments for public policy and/or media implications.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**EXECUTIVE OFFICER, POLICY & REGULATORY AFFAIRS,  
CALIFORNIA ENERGY RESOURCES SCHEDULING DIVISION**

The Department of Water Resources' proposal to allocate the above position to the CEA category has been disapproved effective February 14, 2006.

**CHIEF DEPUTY DIRECTOR, ENTERPRISE TECHNOLOGY BRANCH**

The Legislative Counsel Bureau's proposal to reallocate their existing CEA allocation has been approved effective January 25, 2006.

March 8, 2006

**DEPUTY DIRECTOR, ENTERPRISE ARCHITECTURE**

The Legislative Counsel Bureau's proposal to allocate the above position to the CEA category has been approved effective January 30, 2006.

**DEPUTY DIRECTOR, ENTERPRISE PROCESS CENTER**

The Legislative Counsel Bureau's proposal to allocate the above position to the CEA category has been disapproved effective January 25, 2006.

**ACTION: NOTED**

**30. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**NO ACTION**

**31. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE**

**32. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**33. ADOPTION OF RESOLUTION IMPLEMENTING AB 124 (EQUAL EMPLOYMENT OPPORTUNITY) AS ONE OF THE BOARD'S HIGHEST PRIORITIES**

**ACTION: ADOPTED**

VOTE: Elkins, Harrigan, Tom, Sheehan - Aye

**34. BOARD ACTIONS ON SUBMITTED ITEMS**

**ACTION: See Minutes on Page 18-19**

**A D J O U R N M E N T**

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 24–26 AS NOTED ABOVE.**

**24. EVIDENTIARY CASES**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**A. BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting.

**NONE**

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases were on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

On March 8, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

**(1) RONALD FRANKLYN, CASE NO. 05-2105A**

Appeal from 20 working days suspension

**Classification:** Officer

**Department:** California Highway Patrol

**ACTION: SUBMITTED**

**(2) ERNEST PITMAN, CASE NO. 05-1591A**

Appeal from dismissal

**Classification:** Motor Vehicle Field Representative

**Department:** Department of Motor Vehicles

**ACTION: SUBMITTED**

**(3) RICHARD QUADRELLI, CASE NO. 05-1039A**

Appeal from dismissal

**Classification:** Caltrans Maintenance Supervisor

**Department:** Department of Transportation

**ACTION: SUBMITTED**

**C. CHIEF COUNSEL RESOLUTIONS**

**NONE**

**COURT REMANDS**

These cases were remanded to the Board by the court for further Board action.

On March 8, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Tom, Sheehan - Aye

**(1) GWENETTE BACKOVICH, CASE NO. 02-4145**

Appeal from dismissal

**Classification:** Officer

**Department:** California Highway Patrol

**Action:** On remand from the superior court, the Board issued a non-precedential decision finding the sustained misconduct sufficiently serious to warrant appellant's dismissal.

**(2) JERALD ELLIOTT, CASE NO. 00-3394**

Appeal from dismissal

**Classification:** Computing Consultant II

**Department:** San Diego State University

**Action:** On remand from the superior court, the Board Issued a non-precedential decision finding the sustained misconduct sufficiently serious to warrant appellant's dismissal on the grounds that his conduct constituted a violation of Education Code section 89535(b), professional conduct.

**(3) GREG J. LATRONICA, CASE NO. 06-0233**

Appeal from dismissal

**Classification:** Fire Captain

**Department:** Forestry and Fire Protection

**Action:** The Board issued a resolution remanding this matter to the Appeals Division for assignment to ALJ, directing the ALJ to determine first whether the appellant has established good cause for the Board to accept his late-filed appeal ad, if so, to conduct a hearing on the merits.

**STIPULATIONS**

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ proposed decisions submitted to the Board for the first time.

On March 8, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Tom, Sheehan - Aye

- (1) STEVEN BARRIOS, CASE NO. 05-3507 & JAVIER PEREDA, CASE NO. 05-3599**  
Appeal from dismissals  
**Classification:** Psychiatric Technician & Psychiatric Technician Assistant  
**Department:** Department of Developmental Services  
**Action:** The Board adopted the ALJ's Proposed Decision revoking the dismissals.
- (2) CHRISTINA CLARK, CASE NO. 05-2718**  
Appeal from ten working day's suspension  
**Classification:** Psychiatric Technician  
**Department:** Department of Developmental Services  
**Action:** The Board adopted the ALJ's Proposed Decision sustaining the suspension. Member Harrigan dissented.
- (3) DAREN L. FLOYD, CASE NO. 04-3003**  
Appeal from dismissal  
**Classification:** Motor Vehicle Field Representative  
**Department:** Department of Motor Vehicles  
**Action:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (4) MARIA LOZANO, CASE NO. 05-1567**  
Appeal from demotion and reassignment  
**Classification:** Plant Quarantine Supervisor I  
**Department:** Department of Food and Agriculture  
**Action:** The Board adopted the ALJ's Proposed Decision revoking the demotion and reassignment.
- (5) RACHEL ROBLEDO, CASE NO. 05-4524**  
Appeal from 30 working days suspension  
**Classification:** Social Worker II  
**Department:** Department of Social and Employment Services, County of Monterey  
**Action:** The Board adopted the ALJ's Proposed Decision dismissing the appeal for lack of jurisdiction.

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**(6) FRANKLIN TUCKER, CASE NO. 05-1586**

Appeal from ten percent reduction in salary for 24 months

**Classification:** Parole Agent I, Adult Parole

**Department:** Department of Corrections and Rehabilitation

**Action:** The Board adopted the ALJ's Proposed Decision modifying the ten percent reduction in salary for 24 months to a ten percent reduction in salary for six months. Member Sheehan dissented.

**(7) ZHI-XUE XU, CASE NO. 05-1038**

Appeal from 20 working days' suspension

**Classification:** Information Technology Consultant (Expert)

**Department:** San Jose State University, San Jose

**Action:** The Board adopted the ALJ's Proposed Decision sustaining the suspension.

**Proposed Decisions Taken Under Submission At Prior Meeting**

NONE

**PROPOSED DECISIONS AFTER BOARD REMAND**

NONE

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On March 8, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Tom, Sheehan – Aye

**(1) PRECILLA CALAUNAN, CASE NO. 05-1737RP**

Appeal from dismissal

**Classification:** Psychiatric Technician Assistant

**Department:** Department of Developmental Services

**Action:** Petition for rehearing granted.

March 8, 2006

- (2) **RAYMOND SELDGE, CASE NO. 04-2809P**  
Appeal from dismissal  
**Classification:** Youth Correctional Counselor  
**Department:** Department of the Youth Authority  
**Action:** Petition for rehearing granted.
- (3) **JAMES STEED, CASE NO. 05-0207P**  
Appeal from constructive medical suspension  
**Classification:** Facility Captain  
**Department:** Department of Corrections and Rehabilitation  
**Action:** Petition for rehearing granted.

**WHISTLEBLOWER NOTICE OF FINDINGS**

**NONE**

**F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **ALEJANDRO GILL, CASE NO. 05-0054RA**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected January 6, 2006  
Pending transcript  
**NO ACTION**
- (2) **RICK OCHOA, CASE NO. 04-2373B**  
Appeal for determination of back salary, benefits and interest  
**Classification:** Youth Correctional Officer  
**Department:** Department of the Youth Authority  
  
Proposed decision rejected January 24, 2006  
Pending transcript  
**NO ACTION**
- (3) **EDUARDO PEREZ, CASE NO. 05-0763A**  
Appeal from five percent reduction in salary for six months  
**Classification:** Parole Agent I (Adult Parole)  
**Department:** Department of Corrections  
  
Oral argument scheduled for February 7-8, 2006 continued  
**NO ACTION**

**26. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

On March 8, 2006, the Board adopted as indicated below the following items presented by Karen Coffee, Chief, Merit Employment and Technical Resources Division, California State Personnel Board.

VOTE: Elkins, Harrigan, Tom, Sheehan - Aye

**(1) KARIM OLIMAN, CASE NO. 05-0277**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation

**Issue:** Suitability; furnished inaccurate and omitted pertinent information during selection process

**ACTION: DENIED**

**(2) DAMIEN SANTINI, CASE NO. 05-0283**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation **Issue:** Provided inaccurate information

**ACTION: DENIED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

**NONE**

**C. EXAMINATION APPEALS**  
**MINIMUM QUALIFICATIONS**  
**MERIT ISSUE COMPLAINTS**

**NONE**



D. RULE 211 APPEALS  
RULE 212 OUT OF CLASS APPEALS  
VOIDED APPOINTMENT APPEALS

NONE

E. REQUEST TO FILE CHARGES CASES

NONE

PETITIONS FOR REHEARING CASES

NONE

March 8, 2006

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**NO ACTION**

**6. RONALD FRANKLYN, CASE NO. 05-2105A**

Appeal from 20 working days suspension. Officer. California Highway Patrol. (Oral argument held March 8, 2006.)

**NO ACTION**

**7. ERNEST PITMAN, CASE NO. 05-1591A**

Appeal from dismissal. Motor Vehicle Field Representative. Department of Motor Vehicles. (Oral argument held March 8, 2006.)

**NO ACTION**

**8. RICHARD QUADRELLI, CASE NO. 05-1039A**

Appeal from dismissal. Caltrans Maintenance Supervisor. Department of Transportation. (Oral argument held March 8, 2006.)

**NO ACTION**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

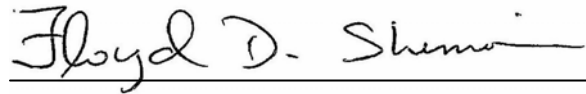
**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on March 8, 2006.

VOTE: Elkins, Harrigan, Tom, Sheehan – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura  
Executive Officer  
California State Personnel Board